



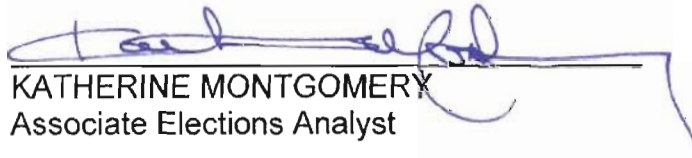
DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

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March 26, 2008

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS/PROPONENT
(08117)

FROM:


KATHERINE MONTGOMERY
Associate Elections Analyst

SUBJECT: **INITIATIVE #1336**

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**BANS HUMAN EMBRYONIC STEM CELL RESEARCH.
CRIMINAL PENALTIES.
CONSTITUTIONAL AMENDMENT AND STATUTE.**

The proponent of the above-named measure is:

Laura Storms
8130 La Mesa Blvd. #202
La Mesa, CA 91941

**BANS HUMAN EMBRYONIC STEM CELL RESEARCH.
CRIMINAL PENALTIES.
CONSTITUTIONAL AMENDMENT AND STATUTE.**

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 694,354
California Constitution, Article II, Section 8(b)
2. Official Summary Date: Wednesday, 03/26/08
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elec. Code § 336) Wednesday, 03/26/08
 - b. Last day Proponent can circulate and file with the county.
All sections are to be filed at the same time within each
county. (Elec. Codes §§ 336, 9030(a)). Monday, 08/25/08*
 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (Elec. Code § 9030(b))..... Friday, 09/05/08

(If the Proponent files the petition with the county on a date prior to
08/25/08, the county has eight working days from the filing of the petition
to determine the total number of signatures affixed to the petition and to
transmit the total to the Secretary of State) (Elec. Code § 9030(b)).
 - d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures
and notifies the counties..... Sunday, 09/14/08**
 - e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(Elec. Code § 9030(d)(e)) Monday, 10/27/08

* Date adjusted for official deadline, which falls on a weekend (Elec. Code § 15).

**Date varies based on the date of county receipt.

INITIATIVE #1336
Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 09/14/08, the last day is no later than the thirtieth working day after the county's receipt of notification). (Elec. Code § 9030(d)(e)).

- f. If the signature count is more than 763,790 or less than 659,637 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 659,637 and 763,790 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of **all** signatures (Elec. Code §§ 9030(f)(g), 9031(a)) Thursday, 11/06/08*

- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (Elec. Code § 9031(b)(c)). Tuesday, 12/23/08

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 11/06/08, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elec. Code § 9031(b)(c).)

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (Elec. Code §§ 9031(d), 9033) Saturday, 12/27/08*

*Date varies based on the date of county receipt.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal.App.3d 825, 177 Cal.Rptr. 621; 63 Ops.Cal.Atty.Gen. 37 (1980).
- Please refer to Elections Code sections 100, 101, 104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



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March 26, 2008

FILED
In the office of the Secretary of State
of the State of California

MAR 26 2008

Debra Bowen
Secretary of State
1500 11th Street, 5th Floor
Sacramento, CA 95814

Debra Bowen, Secretary of State
By 
Deputy Secretary of State

Attention: Ms. Katherine Montgomery
Associate Elections Analyst

Re: Initiative 08-0004 The Ban on Destructive Human Embryo Research.

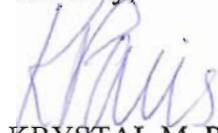
Official Title: BANS HUMAN EMBRYONIC STEM CELL RESEARCH. CRIMINAL
PENALTIES. CONSTITUTIONAL AMENDMENT AND STATUTE.

Dear Ms. Bowen:

Pursuant to Elections Code sections 9004 and 336, you are hereby notified that on this day
we mailed our title and summary for initiative 08-0004 to the respective proponent.

Enclosed is a copy of that title and summary, and a copy of the proposed measure.

Sincerely,



KRYSTAL M. PARIS
Initiative Coordinator

For EDMUND G. BROWN JR.
Attorney General

KMP:
Enclosures

Proponent's Public Information:

Laura Storms
San Jose Group
8130 La Mesa Blvd., #202
La Mesa, CA 91941

Date: March 25, 2008
Initiative No.: 08-0004

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

BANS HUMAN EMBRYONIC STEM CELL RESEARCH. CRIMINAL PENALTIES.

CONSTITUTIONAL AMENDMENT AND STATUTE. Prohibits stem cell or other research or procedures that would injure or destroy a human embryo, as defined. Prohibits buying, selling, receiving, or transferring a human embryo for certain prohibited purposes. Subjects violators to fifteen years in prison without possibility of parole, a fine of at least \$250,000 and permanent revocation of a medical license. Renders unenforceable contracts for payment of license fees and royalties derived from prohibited research. Requires taxpayers pay all legal costs proponent incurs fighting challenges to initiative. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Potential state savings up to the low hundreds of millions of dollars annually over the next few decades resulting from reduced principal and interest costs for bonds to fund embryonic research. Unknown potential loss of state and local revenue gains and cost savings due to reduced research funding for embryonic research. (Initiative 08-0004.)

VIA PERSONAL DELIVERY

Office of the Attorney General
ATTN: Initiative Coordinator
1330 "I" Street
Sacramento, CA 95814

08 - 0004

RECEIVED

FEB 01 2008

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

February 1, 2008

**Re: Request for Title and Summary- Initiative Constitutional Amendment
For the November 2008 Election**


Dear Initiative Coordinator,

Pursuant to Article II, Section 10(d) of the California Constitution, and Section 9002 of the Election Code, I hereby request that a title and summary be prepared for the attached initiative constitutional amendment for, "The Ban on Destructive Human Embryo Research."

Enclosed please find from the San Jose Group: 1) the language of the proposed initiative; 2) the executed certifications required by Election Code section 9608; 3) a \$200 check for the filing fee.

Should you have any questions or require further information, please contact Laura Storms, lstorms@comcast.net or the website www.sanjosegroupinitiatives.com

Sincerely,


Laura Storms
San Jose Group

SECTION 1. Title.

The Act may be known and cited as, “The Ban on Destructive Human Embryo Research.”

SECTION 2. Findings and Declarations

- a) The great State of California hereby declares and finds to be true that human embryos need to be protected from people who seek to kill them for their stem cells.
- b) The great State of California hereby declares and finds to be true that human embryos shall not be killed for scientific experiments.
- c) The great State of California hereby declares and finds to be true that embryonic stem cell research has only killed embryos and has not warranted or substantiated the killing of human embryos.

SECTION 3. Purpose and Intent of this Act.

The purpose of this Act is to ban the killing of human embryos for the use of their stem cells.

SECTION 4. Constitutional Amendment.

Article XXXVII shall be added to the Constitution to read:

Sec. 1. Notwithstanding Article XXXV or any other provision of this Constitution or law to the contrary, it shall be unlawful for any person to:

- a) intentionally or knowingly conduct destructive research on a human embryo; or
- b) buy, sell, receive, or otherwise transfer a human embryo with the knowledge that such embryo will be subject to destructive research; or
- c) buy, sell, receive, or otherwise transfer gametes with the knowledge that a human embryo will be produced from such gametes to be used in destructive research.

Sec. 2. For the purposes of this Article:

- a) “Human Embryo” means a genetically complete living organism of the species homo sapiens, from single cell stage to eight weeks development, that is not located in a woman’s body;
- b) “Gamete” means a human sperm or unfertilized human ovum;

c) "Destructive research" means medical procedures, scientific or laboratory research, or other kinds of investigation that kill or injure the subject of such research. It does not include:

- 1) in vitro fertilization and accompanying embryo transfer to a woman's body, or
- 2) any diagnostic procedure that may benefit the human embryo subject to such tests.

SECTION 5. Statutory Amendment.

Sections 201 et seq. shall be added to Chapter 1 of Title 8 of the Penal Code to read:

201. It shall be unlawful for any person to:

- a) intentionally or knowingly conduct destructive research on a human embryo; or
- b) buy, sell, receive, or otherwise transfer a human embryo with the knowledge that such embryo will be subject to destructive research; or
- c) buy, sell, receive, or otherwise transfer gametes with the knowledge that a human embryo will be produced from such gametes to be used in destructive research.

201.1. a) Criminal Sanctions:

- 1) Any person or entity that violates Section 201(a) shall be guilty of a felony, and shall be punished by imprisonment in the state prison for a term of 15 years without the possibility of parole
- 2) Any person or entity that violates Section 201(b) shall be guilty of a felony, and shall be punished by imprisonment in the state prison for a term of 15 years without the possibility of parole
- 3) Any person or entity that violates Section 201(c) shall be guilty of a felony, and shall be punished by imprisonment in the state prison for a term of 15 years without the possibility of parole.

b) Fines.

In addition to any criminal penalty, any person or entity that violates Section 201(a), or 201(b), or 201(c) and derives a pecuniary gain from such violation shall be liable for a civil penalty of not less than two hundred fifty thousand dollars (\$250,000) per violation or twice the amount of gross gain, whichever is greater, in an action brought by the Attorney General. All fines collected shall be placed into the General Fund of the State of California.

c) Unprofessional Conduct.

Any violation of this Act shall constitute unprofessional conduct and shall result in permanent revocation of the violator's license to practice medicine.

- d) Trade, Occupation, or Profession.

Any violation of this Act may be the basis for denying an application for, denying an application for the renewal of, or revoking any license, permit, certificate, or any other form of permission required to practice or engage in a trade, occupation, or profession.

- e) All contracts for payment of license fees or royalties for intellectual property derived in whole or part from acts in violation of Section 201 are contrary to the public policy of this State and shall be deemed unenforceable in the courts of this State.

Section 201.2 For the purposes of Section 201 and 201.1:

a) "Human Embryo" means a genetically complete living organism of the species homo sapiens, from single cell stage to eight weeks development, that is not located in a woman's body;

b) "Gamete" means a human sperm or unfertilized human ovum;

c) "Destructive research" means medical procedures, scientific or laboratory research, or other kinds of investigation that kill or injure the subject of such research. It does not include :

1) in vitro fertilization and accompanying embryo transfer to a woman's body, or

2) any diagnostic procedure that may benefit the human embryo subject to such tests.

SECTION 6. Severability

Any provision of this Act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable herefrom and shall not affect the remainder hereof, or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

SECTION 7. Right to Intervention

The proponent of this initiative, or his or her designee, shall have the right to intervene in any action challenging the constitutionality or enforceability of this Act. The state shall be required to pay all legal costs and fees of the proponent of this initiative as intervenor in any action challenging the constitutionality or enforceability of this Act.

SECTION 8. Conflicting Ballot Measures.

Previous ballot measures that were passed prior the passage of this measure will not be allowed to violate this measure by law. Any ballot measure on the same ballot, during the passage of this

measure, that is in direct violation of this act, whether it was passed by the voters or not, if this measure received more affirmative votes than the other measure, this measure hereby nullifies and voids their measure(s). If another opposing measure or opposing measures which passed by the voters in the same election on the same ballot received a greater number of affirmative votes, the provisions of this measure shall take effect, whether in whole or in part, that is permitted by law.

If this measure were passed by the voters but another opposing measure in the same election on the same ballot were passed by the voters and supersedes with affirmative votes, which is later determined to be invalid, for whatever reason, this measure shall become fully enforceable.

SECTION 9. Effective Date

This Act shall take effect upon passage.